

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN S. CLABAUGHJR.,

Defendant.

**4:12CR3046**

**MEMORANDUM AND ORDER**

Defendant has moved to continue the pretrial motion deadline, (filing no. 18), because the defense counsel is dealing with family health issues and needs additional time review this case and confer with the defendant before deciding if pretrial motions should be filed.. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

**IT IS ORDERED:**

- 1) Defendant's motion to continue, (filing no. 18), is granted.
- 2) Pretrial motions and briefs shall be filed on or before February 7, 2013.
- 3) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and February 7, 2013, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

December 3, 2012.

**BY THE COURT:**

s/ Cheryl R. Zwart  
United States Magistrate Judge